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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW PARK, on Behalf of
Himself and All Other Persons
Similarly Situated,

Plaintiff,

v.

DOLE FRESH VEGETABLES, INC.,

Defendant.

Case No. CV13-0872 PSG

[CLASS ACTION]

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE FOR DEFENDANT'S
MOTION TO DISMISS**

Date: October 3, 2013
Time: 1:30 p.m.
Crtm: 8

1 WHEREAS, on May 9, 2013, plaintiff Andrew Park (“Plaintiff”) filed his First
 2 Amended Class Action Complaint against defendant Dole Fresh Vegetables, Inc.
 3 (“Defendant”);

4 WHEREAS, on May 13, 2013, Defendant filed its Motion to Dismiss Plaintiff
 5 Andrew Park’s First Amended Complaint Or, In The Alternative, To Strike Portions Of
 6 The First Amended Complaint (“Motion to Dismiss”);

7 WHEREAS, Plaintiff’s opposition to the Motion to Dismiss is currently due on
 8 May 28, 2013;

9 WHEREAS, Defendant’s Reply in support of its Motion to Dismiss is currently
 10 due on June 4, 2013;

11 WHEREAS, the hearing on the Motion to Dismiss is currently scheduled for
 12 October 3, 2013;

13 WHEREAS, Plaintiff needs additional time to respond to the Complaint due to
 14 several other pending briefing deadlines that fall around the deadline for the opposition
 15 brief in this case, including, but not limited to: an opposition to a motion to dismiss in
 16 *PB Property Management, Inc. v. Goodman Manufacturing Company, L.P. et al*, Case
 17 No. 12-cv-01366 (M.D. FL) due May 23, 2013; a motion for class certification in
 18 *Anderson v. Jamba Juice Company*, Case No. 12-cv-01213 (N.D. CA) due May 31,
 19 2013; and an opposition to a petition for writ of certiorari to the U.S. Supreme Court in
 20 *Toyota Motor Corp. v. Choi*, No. 12-1230 (U.S.) due on June 12, 2013;

21 WHEREAS, pursuant to Local Rule 6-2, Plaintiff and Defendant may request
 22 through stipulation, an order changing time that would affect the date of an event or
 23 deadline already fixed by Court order, or that would accelerate or extend time frames
 24 set in the Local Rules or in the Federal Rules;

25 WHEREAS, Plaintiff and Defendant have agreed that Plaintiff shall file his
 26 opposition to the Motion to Dismiss no later than June 18, 2013;

27 WHEREAS, Plaintiff and Defendant have agreed that Defendant shall file a
 28 Reply in support of its Motion to Dismiss no later than July 12, 2013;

1 WHEREAS, this stipulated briefing schedule is not being sought for purposes of
2 delay, but rather so that this matter may be fairly and reasonably litigated and so that
3 justice may be done;

4 WHEREAS, No prior extension concerning the Motion to Dismiss has been
5 requested or obtained.

6 IT IS HEREBY STIPULATED between Plaintiff and Defendant that:

7 Plaintiff shall file his opposition to the Motion to Dismiss no later than June 18,
8 2013.

9 Defendant shall file a Reply in support of its Motion to Dismiss no later than July
10 12, 2013.

11 The October 3, 2013 hearing date on the Motion to Dismiss will remain
12 unchanged.

13
14 DATED: May 17, 2013 MCKENNA LONG & ALDRIDGE LLP

15
16 Bv: /s/Theona Zhordania
17 Charles A. Danaher
18 Theona Zhordania
Attorneys for Defendant
DOLE FRESH VEGETABLES, INC.

19 DATED: May 17, 2013 GLANCY BINKOW & GOLDBERG, LLP

20
21 Bv: /s/Marc L. Godino
22 Marc L. Godino
23 Attorneys for Plaintiff
ANDREW PARK

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

25
26 Date: May 28, 2013

27 
Honorable Lucy H. Koh
28 United States District Court Judge